



PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/728,566
	Filing Date	December 5, 2003
	First Named Inventor	Tae-Ahn JAHNG
	Art Unit	3731
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	8 + 5 Refs	Attorney Docket Number 559552000100

ENCLOSURES (Check all that apply)				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement, 3 pages <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449, 2 pages in duplicate (5) References Return Postcard		
<table border="1"><tr><td>Remarks</td></tr><tr><td>CUSTOMER NO. 25225</td></tr></table>			Remarks	CUSTOMER NO. 25225
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP Richard C. Kim - 40,046
Signature	<i>Rich Kim</i>
Date	4-2-04

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 4-5-2004 Signature: *Rhea Amid* (Rhea Amid)



PATENT
Docket No. 559552000100

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on April 5, 2004.

Rhea Amid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Tae-Ahn JAHNG

Serial No.: 10/728,566

Filing Date: December 5, 2003

For: A METHOD AND APPARATUS FOR
FLEXIBLE FIXATION OF A SPINE

Examiner: Not Yet Assigned

Group Art Unit: 3731

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 559552000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 2, 2004

Respectfully submitted,

By: Rich Kim
Richard Kim
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Form PTO/SB-1449

Docket Number 559552000100

Application Number 10/728,566

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

Applicant

Tae-Ahn JAHNG

Filing Date December 5, 2003

Group Art Unit 3731

Mailing Date April 5, 2004

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	05/1988	4,743,260	Burton	623	17	
	2.	02/1994	5,282,863	Burton	623	17	
	3.	07/1996	5,540,688	Navas	606	61	
	4.	09/1997	5,672,175	Martin	606	61	
	5.	02/2001	6,187,000	Davison et al.	606	1	
	6.	02/2001	6,193,720	Yuan et al.	606	61	
	7.	09/2001	2001/0020169	Metz-Stavenhagen	606	61	
	8.	11/2001	2001/0037111	Dixon et al.	606	61	
	9.	01/2002	2002/0010467	Cooper et al.	606	61	
	10.	03/2002	2002/0035366	Walder et al.	606	61	
	11.	04/2002	2002/0049394	Roy et al.	600	594	
	12.	05/2002	2002/0055740	Lieberman	606	61	
	13.	05/2002	2002/0065557	Goble et al.	623	17.11	
	14.	06/2002	2002/0082600	Shaolian et al.	606	61	
	15.	07/2002	2002/0087159	Thomas	606	61	
	16.	07/2002	2002/0099378	Michelson	606	61	
	17.	08/2002	2002/0107570	Sybert et al.	623	13.17	
	18.	08/2002	2002/0111628	Ralph et al.	606	61	
	19.	08/2002	2002/0111630	Ralph et al.	606	71	
	20.	08/2002	2002/0120270	Trieu et al.	606	61	
	21.	09/2002	2002/0123668	Ritland	600	210	
	22.	09/2002	2002/0123750	Eisermann et al.	606	69	
	23.	09/2002	2002/0123806	Reiley	623	17.11	
	24.	09/2002	2002/0138077	Ferree	606	61	
	25.	10/2002	2002/0143329	Serhan et al.	606	61	
	26.	10/2002	2002/0143401	Michelson	623	17.16	
	27.	11/2002	2002/0169450	Lange	606	61	

EXAMINER:

DATE CONSIDERED:

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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Docket Number 559552000100	Application Number 10/728,566
	Applicant <div style="text-align: center;">Tae-Ahn JAHNG</div>	
	Filing Date December 5, 2003	Group Art Unit 3731
	Mailing Date April <u>5</u> , 2004	

	28.	12/2002	2002/0183748	Martin et al.	606	61	
	29.	12/2002	2002/0198526	Shaolian et al.	606	61	
	30.	02/2003	2003/0040746	Mitchell et al.	606	61	
	31.	02/2003	2003/0040797	Fallin et al.	623	17.11	
	32.	03/2003	2003/0045875	Bertranou et al.	606	61	
	33.	03/2003	2003/0055426	Carbone et al.	606	61	
	34.	03/2003	2003/0060823	Bryan	606	61	
	35.	04/2003	2003/0073998	Pagliuca et al.	606	61	
	36.	05/2003	2003/0083657	Drewry et al.	606	61	
	37.	05/2003	2003/0083688	Simonson	606	191	
	38.	05/2003	2003/0088251	Braun et al.	606	73	
	39.	05/2003	2003/0093078	Ritland	606	73	
	40.	10/2003	2003/0191371	Smith et al.	600	210	
	41.	10/2003	2003/0191470	Ritland	606	61	
	42.	10/2003	2003/0195551	Davison et al.	606	198	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	43.	Kanayama et al, Journal of Neurosurgery 95(Spine 1):5-10 (2001)
	44.	Markwalder & Wenger, Acta Neurochirurgica 145(3):209-14 (2003)
	45.	Mulholland and Sengupta, European Spine Journal 11 Suppl 2:S198-205 (2002)
	46.	Schmoelz et al, J of Spinal Disorders & Techniques 16(4):418-23 (2003)
	47.	Stoll et al, European Spine Journal 11(Suppl 2):S170-8 (2002)

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